IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WA.No. 1519 of 2006(B)

AGAINST THE JUDGEMENT IN WPC.19958/2006 Dated 04/08/2006
.....

APPELLANT: PETITIONER

AJITH KUMAR.B., KANAVATTATHU,
KARIPPUZHA P.O., PERINADU, KOLLAM-4.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.D.AJITHKUMAR

RESPONDENTS/RESPONDENTS
---

1. THE KERALA STATE ELECTION COMMISSION,
THIRUVANANTHAPURAM.

2. THE TRIKKADAVOOR GRAMA PANCHAYATH,
ANCHALUM MOODU, PERINADU P.O., KOLLAM,
REPRESENTED BY ITS SECRETARY.

3. G.ANIL, SECRETARY, ANCHALUM MOODU
BLOCK PANCHAYATH, PERINADU P.O., KOLLAM.

4. MOLY BABU, PANCHAYATH MEMBER,
VENGEKKARA WARD NO.XVI, TRIKKADAVOOR GRAMA
PANCHAYATH, PERINADU P.O., KOLLAM.

5. S.NAZEER KHAN, PANCHAYATH MEMBER,
VETTUVILA WARD NO.VIII, TRIKKADAVOOR GRAMA
PANCHAYATH, PERINADU PO, KOLLAM.

R1 & R3 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM
R2 BY SRI.S.SUDHEESHKAR
R4 & R5 BY SRI.O.V.MANIPRASAD

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.A.No.1519 of 2006

Dated, this the 21st day of November, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

Counsel for the appellant states that during the pendency of the present writ appeal an order dated 21.8.2006 has been passed by the Secretary (Special Grade) Grama Panchayat, Thrikkadavoor, vide Ext.R4(c), restoring the membership of respondent No.4 arrayed in the present writ appeal. Counsel for the appellant states that the appeal may be dismissed as withdrawn with liberty to the appellant to challenge the order Ext.R4(c) dated 21.8.2006. He further prays that the authority considering challenge to the order Ext.R4(c) may not be influenced by the observations made in the impugned judgment. Counsel for the respondents has no objection to the course suggested by the learned counsel for the appellant.

2. In view of the statement made by the learned counsel appearing for the parties this writ appeal is dismissed as withdrawn with liberty to the appellant to challenge the order

Ext.R4(c) dated 21.8.2006. We further observe that any expression of opinion on the merits of the controversy made by the learned Single Judge would not be construed as a final expression of opinion and the concerned authority would be at liberty to decide the matter being uninfluenced of such observations. All pending interlocutory applications would stand closed.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns